

SENATE, No. 425

STATE OF NEW JERSEY 219th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2020 SESSION

Sponsored by:

Senator STEVEN V. OROHO

District 24 (Morris, Sussex and Warren)

Co-Sponsored by:

Senators Bateman and Doherty

SYNOPSIS

Suspends “Highlands Water Protection and Planning Act” until certain conditions are met

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning the Highlands Region and supplementing
2 P.L.2004, c.120 (C.13:20-1 et al.).

3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:

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7 1. a. Commencing on the date of enactment of P.L. ,
8 c. (C.) (pending before the Legislature as this bill), the
9 provisions of the “Highlands Water Protection and Planning Act,”
10 P.L.2004, c.120 (C.13:20-1 et al.) shall be suspended and cease to
11 be in effect until the State has:

12 (1) established a dedicated source of funding for the acquisition,
13 from willing sellers, of lands located within the preservation area
14 for recreation and conservation purposes or farmland preservation
15 purposes, provided that the owner of any such lands at the time of
16 proposed acquisition is the same person who owned the lands on the
17 date of enactment of P.L.2004, c.120 (C.13:20-1 et al.) and who has
18 owned the lands continuously since that enactment date, or is an
19 immediate family member of that person; and

20 (2) provided that acquisitions from the dedicated source of
21 funding are based on an appraisal or appraisals of the value of the
22 lands that shall be made using (a) the land use zoning of the lands,
23 and any State environmental laws or Department of Environmental
24 Protection rules and regulations that may affect the value of the
25 lands, subject to the appraisal and in effect at the time of proposed
26 acquisition, and (b) the land use zoning of the lands, and any State
27 environmental laws or Department of Environmental Protection
28 rules and regulations that may affect the value of the lands, subject
29 to the appraisal and in effect on August 9, 2004, and the landowner
30 has been provided with both values determined pursuant to this
31 paragraph. If the appraisal made pursuant to subparagraph (b) of
32 this paragraph is the higher of the appraisal values, then that value
33 shall be utilized as the basis for negotiation with the landowner with
34 respect to the acquisition price for the lands. A landowner may
35 waive any of the requirements of this paragraph and may agree to
36 sell the lands for less than the values determined pursuant to this
37 paragraph.

38 b. Thirty days after the establishment of a dedicated source of
39 funding pursuant to paragraphs (1) and (2) of subsection a. of this
40 section, the suspension of the “Highlands Water Protection and
41 Planning Act,” P.L.2004, c.120 (C.13:20-1 et al.), pursuant to
42 subsection a. of this section shall cease to be in effect and the
43 provisions of the “Highlands Water Protection and Planning Act”
44 shall be implemented.

45 c. As used in this section:

46 “Acquisition” means the obtaining of a fee simple or lesser
47 interest in land, including but not limited to a development

1 easement, a conservation restriction or easement, or any other
2 restriction or easement permanently restricting development.

3 “Farmland preservation purposes” and “recreation and
4 conservation purposes” mean the same as the terms are defined in
5 section 3 of P.L.1999, c.152 (C.13:8C-3).

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7 2. This act shall take effect immediately.
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10 STATEMENT

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12 This bill would suspend the provisions of the “Highlands Water
13 Protection and Planning Act,” P.L.2004, c.120 (C.13:20-1 et al.)
14 until a dedicated source of funding has been established by the State
15 for the acquisition from willing sellers of lands located within the
16 preservation area for recreation and conservation purposes or
17 farmland preservation purposes, provided that the owner of any
18 such lands at the time of proposed acquisition is the same person
19 who owned the lands on the date of enactment of the “Highlands
20 Water Protection and Planning Act” (i.e., August 10, 2004) and who
21 has owned the lands continuously since that date, or is an
22 immediate family member of that person. Further, the bill provides
23 that acquisitions from the dedicated source of funding would be
24 based on an appraisal or appraisals of the value of the lands made
25 using (1) the land use zoning of the lands, and any State
26 environmental laws or Department of Environmental Protection
27 (DEP) rules and regulations that may affect the value of the lands,
28 subject to the appraisal and in effect at the time of proposed
29 acquisition, and (2) the land use zoning of the lands, and any State
30 environmental laws or DEP rules and regulations that may affect the
31 value of the lands, subject to the appraisal and in effect on August
32 9, 2004, and with both values provided to the landowner. If the
33 latter appraisal (i.e., the “pre-Highlands act” value) is the higher of
34 these two values, the bill would require that it be utilized as the
35 basis for negotiation with the landowner with respect to the
36 acquisition price for the lands.

37 Upon establishment of a dedicated source of funding and
38 compliance with the provisions of the bill, the suspension would
39 cease and the provisions of the “Highlands Water Protection and
40 Planning Act” would again be in effect.

41 Property owners in the preservation area bear the burden of the
42 development restrictions imposed by, and the impact on their
43 property values resulting from, the “Highlands Water Protection
44 and Planning Act.” It is only fitting that the State should establish a
45 dedicated source of funding to compensate these landowners.